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## THE PERMANENCE OF PARLIAMENTARY GOVERNMENT.

THE article on this subject in the June number of this Review is important enough to justify a somewhat rigid analysis, while the signature of Mr. Dicey doubles the delicacy and difficulty of criticism. To express doubt as to the permanence of parliamentary government is a much more serious thing than appears on the face of it, the degree depending a good deal on accuracy of definition. If by those words is meant government as it is carried on in Great Britain, it may be said at once that there is no other like it in the world. Thus the sole initiative in public legislation, especially as to finance, on the part of the ministry, is unique and peculiar to Great Britain. It exists in no other country. Yet it may well be said to be the root and basis of the British system. There are minor differences, such as in the exercise of the right of dissolution, the consolidation of parties, and an organized opposition under leadership as definite as that of the prime minister, which create a marked distinction between the British and all other existing forms of representative government.

If by parliamentary government we mean that which implies the existence of a representative body, the question at once arises, representative of whom? The English government of to-day differs quite as much from that of 1830, as the latter did from the Aulic council of Vienna, or from the depositaries of power in Russia. No government directly representative of universal suffrage ever existed till after the first third of this century. Inferences from such brief experience must be accepted with caution.

Another apparently subtle yet vital distinction is between government with and by a representative body. We have attempted elsewhere to show that governments in which, whatever may be the constitutional theory, the whole power is practically concentrated in the hands of a legislature, always has ended and must always end in failure, as illustrated by the Long Parliament in England, by the various French Revolutions, and by the existing governments of France, Italy and the United States. The real and unsolved prob-

lem of the future is whether a practicable and permanent working relation can be established between the legislative and executive branches. It is the distinction and the glory of Great Britain to have attained, far nearer than any other country, to a successful solution of this problem.

The Century dictionary defines parliament as

"A meeting or assembly of persons for conference or deliberation ; an assembly of the people or their representatives to deliberate or legislate on national affairs."

The Imperial (English) dictionary of 1882, using the same words, adds : —

"A supreme national or general council."

Both agree that the word is not generally used to include the sovereign.

The Encyclopedia Britannica gives as its sole definition of the word parliament, —

"The British Parliament is the supreme legislature of the kingdom of Great Britain, consisting of the King or Queen and the three estates of the realm, viz. the Lords Spiritual, the Lords Temporal and the Commons."

One may be pardoned for being at a loss to know what it is of which Mr. Dicey doubts the permanence.

If we assume that parliamentary government is identified with a representative body, and that that government is to come to an end, what is to take its place ? Is it to be a feudal aristocracy or a single despot ? It seems hardly possible that there can be any permanent or material restriction of universal suffrage unless through the employment of force. Is the world to be governed by individual rulers, chosen by a *plebiscite*, with consequences like those resulting from the two Napoleons ? Or is the succession to be determined like that of the sultans of Turkey, or the Roman emperors installed by pretorian guards ?

With every additional decade of the sway of universal suffrage, the older sources of authority, birth, wealth, and even the higher education, are losing their hold. A substitute for the at least theoretical free representation of universal suffrage can only result from physical force. The methods of parties in the United States indicate very strongly the process by which that force is likely to be evolved.

Mr. Dicey says — and it is a proposition with which we heartily concur —

“that parliamentary government is nothing else than a more or less recently invented piece of political mechanism, and is, like other products of human ingenuity, such as, for example, the steam engine or the electric telegraph, adopted in one country or another, in part at least because of its proved utility.”

Now the first test of the excellence of any kind of machinery is whether it is suited to obtain the best results from the particular force employed. If from the failures of the first machinery for steam and electricity it had been concluded that those forces were unavailable in practice the world would hardly be where it is to-day. By the same analogy the important subject of inquiry is not whether parliamentary government should or will be abandoned, but whether its machinery as employed is adapted to this immense new force of universal suffrage.

A great many persons, even of high intelligence and education, express great contempt for any theory of improvement in machinery or organization in politics, holding that the people must do their own work if it is to be done at all; that if universal suffrage produces bad results, it is because the force is bad and no tinkering of the machinery will do any good. They might as well say the same of steam and electricity and of the efforts made to obtain the best results from those forces.

There is one great difference, however, between the two cases, that with steam and electricity the whole human intellect and energy was applied, without any opposition, to the attainment of the highest results. The stimulus of individual gain secured the most intense concentration of brain power to the improvement of the machinery, while the mass of business energy and enterprise — not the least characteristic feature of the century — stood ready to seize the intellectual achievements, and carry them in practice to the utmost fruition. In the case of government, on the contrary, individual greed, ambition and intrigue are by no means aiming at the highest results of the representation of universal suffrage for the general welfare. So far from this, they aim to control this immense force for their private advantage. This does not mean, however, that the problem in the case of government is different in itself, but only that it is immensely more difficult of solution.

Mr. Dicey speaks of the English constitution almost as if it was

a definite entity or instrument like that of the United States. Apparently, however, most English writers, including himself, admit that that constitution is merely a bundle of traditions and precedents, so that it may be said that the English nation transformed the constitution and not the constitution the English nation. In fact they have constantly acted and reacted upon each other.

The qualities of that constitution we attribute to two conditions by which great Britain is distinguished from other European countries: first, the security from foreign invasion which enabled the nation to refuse a standing army to the crown, unless accompanied by a redress of civil grievances; and, second, the expulsion of the Roman Catholic church, thus getting rid of the foreign corporation and distributing its property into native and lay hands. These things enabled and induced the upper and middle classes, which alone had any share in the government, to work together against the crown, while the requirements of government taught them, in their own interest, to maintain a strong executive, who could be held responsible for its conduct.

Mr. Dicey then argues that the annals and experience of England make it very doubtful whether her institutions can be transplanted to other countries which have different conditions, though their desire for parliamentary government is supposed to be proved by its expansion throughout the world. He concludes, however, that this is the "influence in human affairs of imitativeness," and that other countries have sought in Great Britain "the reigning fashion of the day." We can hardly accept this tribute to British self-satisfaction. The first French Revolution has probably had more influence upon European continental affairs than the British constitution, and that influence was founded more upon the ideas of Jean Jacques Rousseau and the Encyclopædists than upon those of Blackstone and Locke or even Montesquieu. It was one of the first steps towards the development of the modern force of universal suffrage, for though it did place some restrictions, it was conducted by bourgeois or men of the middle class, and favored elections in the second degree, yet in its doctrine of human political equality it went far beyond what was then contemplated in Great Britain or the United States. The novelty and the object aimed at were the employment of this force. What was adopted from Great Britain was the only known machinery for such employment.

To this day such adoption has been very imperfect in any

country. Thus the French Revolution evolved only a single despotic chamber with no separate executive at all; an organization which handed over the country to Napoleon not much more quickly than a similar experiment threw England into the hands of Cromwell. As already remarked, the sole initiative in legislation, the formation of an opposition as completely organized and under individual control as the party of government, the protection of the executive by dissolution of the legislature and appeal to the country; these things are still almost wholly wanting to the governments of continental Europe.

When Mr. Dicey says "Faith in Parliaments has undergone an eclipse," it seems a fair construction of his article to say that he means parliaments outside of Great Britain. No doubt there are many gloomy forebodings even in England, as to the effect of coming democracy upon parliament; but that there is any considerable number of Englishmen prepared to give up parliamentary government altogether and embark upon the sea of revolution which that implies is a proposition we should be very slow to accept. If the distrust is of universal suffrage itself, that is quite a different question. There is a wide distinction between the character of a force and that of the machinery for its application.

Mr. Dicey continues: —

"In proportion as the area of representative government has extended, so the moral authority and prestige of representative government have diminished."

But he gives an ample explanation on the next page: —

"In 1848 there was not a friend of freedom or progress throughout Europe who did not believe that the extension of representative institutions, of one kind or another, throughout the civilized world would confer the greatest benefit on mankind. . . . Compare, now, this universal faith which marked the middle with the skepticism which marks the close of the nineteenth century."

Such a comparison merely proves that the over-wrought imaginations of men sowed the seeds of disappointment, just as they did at the outbreak of the first French Revolution. Does it in any way prove that parliamentary government is not better than anything which preceded it? We again insist upon the difference between a force and the machinery for applying it. What the men of 1848, and indeed minds of a certain quality ever since our Declaration of Independence, looked forward to with hope and

rejoicing was the idea that the multitude of mankind should have some voice in the government under which they live, instead of living like dumb beasts under such government as a small number of persons, regarded through birth and wealth as superior beings, might vouchsafe to give them. Whether the machinery was adequate for the purpose was a wholly different question. In a general way they expected the end to be obtained through representative bodies, and even assumed that government could be carried on by representative bodies. It is the explosion of this fallacy which underlies the depression and distrust of what Mr. Dicey calls parliamentary government.

The quality of every government, as of every private enterprise, must depend upon the quality of the executive power. All that a legislature can do is to secure the best executive and to see that it exercises its power for the general welfare. The failure of parliamentary government is more than anything else owing to the constant and uniform endeavor of the representative body to displace and substitute itself for the executive power; a condition so fruitful of evil that it inevitably ends in popular acquiescence in the suppression of the legislature by the executive and the recurrence of the dreary round of despotism.

Mr. Dicey assigns five distinct reasons for the decline of parliamentary government, but they may all be said to be comprised in the last.

"Parliaments have suffered in credit because they have of recent years been set to do work for the performance of which they are unfit."

Is it not conceivable that before parliaments are abolished they should be set to do work for which they are fit? Mr. Dicey says very truly, —

"Now for purposes of destruction a popular assembly is the best of instruments;"

and instances the Long Parliament and the French National Assembly. The reason is that for destruction only a common assent is required. A mob, if not interfered with, can destroy anything. But for construction and the continuous administrative work of government a parliament and a mob are alike impotent. For such work a single executive head, or at least a limited number of heads, with subordination and discipline is indispensable.

It is because parliaments insist upon taking executive power into

their own hands and have failed in the exercise of it, that they have fallen into discredit. If they can be made to understand that their business is not to govern, but to see that those who do govern shall do so in the public interest; if they can be compelled to limit themselves to their proper function of critics with the power of the purse, they may yet regain their credit and accomplish at least a large part of what was expected of them.

It is of course true that a parliament is and must be the legislative branch of government. But if such a body has unlimited power of legislation, it will sooner or later reduce not only the executive but the very society which has elected it to be the mere instruments of the caprices and passions of its members; and it will arrive at this result by means of its committees, whether elected or appointed by a speaker. The vital question to be resolved is how can its legislation be limited and guided with a view to the public welfare. It is Great Britain alone among the nations which has approached a solution of this question; and she has done this by taking away the initiation of legislation, at least in all matters of public interest, from the parliament and handing it over to the executive ministry. No legislation of that kind can be proposed by anybody but the ministry, though it may in general terms be demanded of or proposed to them by members of the parliament. That body decides whether the ministry shall or shall not take up any question, and if they have taken it up, whether the measures submitted by them for the settlement of it shall or shall not be accepted. In other words, the veto rests with the parliament and not, as in other countries, with the executive. If the ministry does not secure the approval of the majority of parliament it resigns and makes way for another, which takes up the same powers and the same responsibilities, though the former retains, as a defence against factious opposition and the tyranny of a majority, the power of dissolution and appeal to the country. It is these things which make a sharp distinction between the British and all other forms of representative government and cause British writers to say, though they do not use quite such broad language, that while their own has been a success, all others have failed. How far it is possible to arrive at similar results on the continent of Europe or in the United States, and how closely for that purpose, or with what modifications, it is necessary to copy the British machinery, is too large a subject to be discussed in this article. All that is here attempted is to show that Mr. Dicey has



included in one proposition, implying a categorical answer, a number of different problems capable of a variety of solutions; has assumed that modern government has taken one definite road, upon which the only alternative is to go directly forward or directly back.

*Gamaliel Bradford.*